

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO  
LAS CRUCES DIVISION**

STUART P. MEERSCHIEDT and §  
MARILYN MEERSCHIEDT MORRIS, as §  
trustees of TRUST A, A SUB-TRUST OF §  
THE STUART PAUL MEERSCHIEDT AND §  
BETTY LOOMIS MEERSCHIEDT §  
REVOCABLE TRUST AGREEMENT §  
DATED JUNE 4, 1990; NEW MEXICO §  
SMELTER & REFINING INC.; SHELBY §  
PHILLIPS, III; KATHERINE A. PHILLIPS; §  
and JANET I. CARSON, on behalf of §  
herself and all others similarly situated, §

Plaintiffs, §

v. §

UNION PACIFIC RAILROAD §  
COMPANY, successor to SOUTHERN §  
PACIFIC TRANSPORTATION §  
COMPANY, SFPP, L.P. (formerly known §  
as SANTA FE PACIFIC PIPELINES, §  
INC., formerly known as SOUTHERN §  
PACIFIC PIPELINES, INC.), KINDER §  
MORGAN OPERATING L.P. "D", and §  
KINDER MORGAN G.P., INC., §

Defendants. §

Case No. 2:15-cv-00514-JCH/GJF

**STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), all remaining Plaintiffs in this matter (specifically, **Shelby Phillips, III, Katherine A. Phillips, and Janet I. Carson**) and Defendants Union Pacific Railroad Company (formerly known as Southern Pacific Transportation Company) and SFPP, L.P. (formerly known as Santa Fe Pacific Pipelines, Inc. and Southern Pacific Pipelines, Inc.), Kinder Morgan Operating L.P. "D", and

Kinder Morgan G.P., Inc. (collectively “Defendants”), hereby stipulate to dismiss all claims and counterclaims asserted by these Plaintiffs or Defendants **with prejudice**. The Parties will bear their own costs.

Dated: May 2, 2018

Respectfully Submitted,

Thomas S. Stewart (*admitted pro hac vice*)  
Elizabeth G. McCulley  
(*admitted pro hac vice*)  
STEWART, WALD & MCCULLEY, LLC  
2100 Central, Suite 22  
Kansas City, Missouri 64108  
Phone: (816) 303-1500  
Fax: (816) 527-8068  
stewart@swm.legal  
mcculley@swm.legal

Steven M. Wald (*admitted pro hac vice*)  
STEWART, WALD & MCCULLEY, LLC  
12747 Olive Blvd., Suite 280  
St. Louis, Missouri 63141  
Phone: (314) 720-6190  
Fax: (314) 400-7724  
wald@swm.legal

/s/ Norman E. Siegel  
Norman E. Siegel (*admitted pro hac vice*)  
Barrett J. Vahle (*admitted pro hac vice*)  
Ethan M. Lange (*admitted pro hac vice*)  
STUEVE SIEGEL HANSON LLP  
460 Nichols Road, Suite 200  
Kansas City, Missouri 64112  
Phone: (816) 714-7100  
Fax: (816) 714-7101  
siegel@stuevesiegel.com  
vahle@stuevesiegel.com  
lange@stuevesiegel.com

***Counsel for Plaintiffs***

Dated: May 2, 2018

Respectfully submitted,  
SHOOK, HARDY & BACON L.L.P.

By: /s/ Tammy B. Webb

Tammy B. Webb  
(Admitted *Pro Hac Vice*)  
Shook, Hardy & Bacon L.L.P.  
One Montgomery, Suite 2700  
San Francisco, California 94104  
Telephone: 415.544.1900  
Facsimile: 415.391.0281  
tbwebb@shb.com  
jsherk@shb.com

Joseph Rebein  
(Admitted *Pro Hac Vice*)  
Shook, Hardy & Bacon L.L.P.  
2555 Grand Boulevard  
Kansas City, MO 64108  
Telephone: (816) 474-6550  
Facsimile: (816) 421-5547  
jrebein@shb.com

*Counsel for Defendant Union Pacific Railroad  
Company*

Dated: May 2, 2018

By: /s/ M. Ray Hartman III

M. Ray Hartman III  
Summer J. Wynn  
COOLEY LLP  
4401 Eastgate Mall  
San Diego, CA 92121  
Telephone: (858) 550-6000  
Facsimile: (858) 550-6420  
rhartman@cooley.com  
swynn@cooley.com

*Counsel for Defendants SFPP, L.P., Kinder  
Morgan Operating L.P. "D," and Kinder Morgan  
G.P., Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that, on May 2, 2018, I electronically filed the above and foregoing with the Clerk of Court using the CM/ECF system, which transmitted notice of the filing to all counsel of record.

/s/ Norman E. Siegel  
Norman E. Siegel